

AMENDED IN SENATE JULY 1, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999
AMENDED IN ASSEMBLY MARCH 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 283

Introduced by Assembly Member Longville

February 4, 1999

An act to amend Section 760 of the Streets and Highways Code, relating to highways, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 283, as amended, Longville. Highways: property acquisition: county cooperation.

Existing law authorizes a county board of supervisors, by resolution passed by a ⁴/₅ vote, to proceed to acquire any real property or interest that has been determined both to promote the interests of the county and to be necessary for state highway purposes, and is recommended by the Department of Transportation. Existing law authorizes the acquisition to be by eminent domain and provides that the specified resolution is the only preliminary procedure required prior to the commencement of condemnation proceedings.

This bill would, following the adoption of the resolution and based on that resolution, authorize the department to

condemn the same property or interest that is described in both the resolution and the department's recommendation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~—²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 760 of the Streets and Highways
2 Code is amended to read:

3 760. (a) If the board of supervisors of any county
4 determines, by a four-fifths vote of the membership of the
5 board, that the acquisition or contribution authorized
6 under this section will promote the interests of the county
7 and the acquisition or contribution is recommended in
8 writing by the department, the board, by resolution
9 passed by a four-fifths vote of its members, may proceed
10 to do either or both of the following:

11 (1) Acquire any real property or interest needed for
12 state highway purposes and described in the
13 department's written recommendation. The board shall
14 proceed, if necessary, to condemn the real property or
15 any interest therein. The title to the property or interest
16 may be taken in the name of the state or the county. The
17 resolution of the board is the only preliminary procedure
18 required prior to the acquisition of the property or
19 interest, or to the commencement of a condemnation
20 proceeding, except that if the acquisition is by eminent
21 domain, the resolution shall be one that satisfies the
22 requirements of Article 2 (commencing with Section
23 1245.210) of Chapter 4 of Title 7 of Part 3 of the Code of
24 Civil Procedure.

25 (2) Contribute bridges, fencing, money, labor,
26 materials, and appurtenances toward the construction of
27 state highways within the limits of the county.

28 (b) After the board has adopted the resolution
29 described in subdivision (a) and based on the terms of
30 that resolution, the department may proceed to condemn
31 any real property or interest that is described in both the

1 department's recommendation and the board's
2 resolution.

3 (c) The acquisitions or contributions authorized under
4 this section shall be for the use of the state as provided in
5 Section 762.

6 *SEC. 2. This act is an urgency statute necessary for*
7 *the immediate preservation of the public peace, health,*
8 *or safety within the meaning of Article IV of the*
9 *Constitution and shall go into immediate effect. The facts*
10 *constituting the necessity are:*

11 *In order that more efficient condemnation procedures*
12 *to acquire real property for state highway use take effect*
13 *at the earliest possible time, it is necessary that this act*
14 *take effect immediately.*

